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Attorneys for Tulare Local Healthcare District,  
dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE REGIONAL  
MEDICAL CENTER,

Debtor.

MAXIM HEALTHCARE SERVICES, INC. a  
Corporation,

Plaintiff,

v.

HEALTHCARE CONGLOMERATE  
ASSOCIATES, LLC, dba TULARE  
REGIONAL MEDICAL CENTER, LLC,

Defendant.

CASE NO. 17-13797

Chapter 9

Adv. No.:

**NOTICE OF REMOVAL OF LAWSUIT  
PENDING IN STATE COURT TO  
BANKRUPTCY COURT (28 U.S.C §  
1452)**

TO THE CLERK OF THE ABOVE ENTITLED COURT, AND TO ALL PARTIES IN  
THE CIVIL ACTION IDENTIFIED HEREIN AND HEREBY REMOVED, THE CLERK OF  
THE SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF TULARE:

1 PLEASE TAKE NOTICE that Debtor TULARE LOCAL HEALTHCARE DISTRICT,  
2 dba TULARE REGIONAL MEDICAL CENTER ("TRMC"), as contractual indemnifier of  
3 Defendant HEALTHCARE CONGLOMERATE ASSOCIATES, LLC ("HCCA") in a case  
4 brought against it in the Superior Court of California in and for the County of Tulare (the  
5 "Superior Court"), does hereby remove the action filed in the Superior Court, identified  
6 with more particularity below, to the United States Bankruptcy Court for the Eastern  
7 District of California, Fresno Division.

8 1. This Notice of Removal ("Notice") is made in accordance with 28 U.S.C. §§  
9 1334(b), 1452(a), 157, and BR 9027 and is based on this Notice and the Exhibit(s)  
10 attached hereto and on all of the records and documents filed in the above-entitled matter.

11 2. On September 30, 2017, TRMC commenced proceedings in the United  
12 States Bankruptcy Court for the Eastern District of California, Fresno Division, pursuant  
13 to Chapter 9 of the Bankruptcy Code, as Case No. 17-13797 (the "Bankruptcy Case").

14 3. On August 10, 2017, prior to TRMC's Bankruptcy Case, Plaintiff Maxim  
15 Healthcare Services, Inc.(MHS) initiated a civil lawsuit against HCCA styled *Maxim*  
16 *Healthcare Services, Inc. a corporation v. Healthcare Conglomerate Associates, LLC, dba*  
17 *Tulare Regional Medical Center, a limited liability company, Case No. VCU270716,*  
18 *Tulare County Superior Court* (the "Lawsuit").

19 4. By virtue of the Lawsuit, MHS asserts claims against HCCA for Breach of  
20 Contract. TRMC may be obligated to defend and indemnify HCCA against MHS's claims  
21 asserted in the Lawsuit.

22 5. 28 U.S.C. § 1452(a) permits removal of any claim or cause of action to the  
23 district court for the district where such civil action is pending provided that the such  
24 district court has jurisdiction of such claim or cause of action under 28 U.S.C. § 1334.

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1           6. Section 1334(b) provides that district courts have jurisdiction of all civil  
2 proceedings related to cases under Title 11. TRMC's Bankruptcy Case arises under Title  
3 11 and the Lawsuit is related to the Bankruptcy Case for the reasons described more fully  
4 below.

5           7. The test for whether a civil proceeding is related under Section 1334(b) is  
6 relatively straight forward. "The usual articulation of the test for determining whether a  
7 civil proceeding is related to bankruptcy is whether the outcome of the proceeding could  
8 conceivably have any effect on the estate being administered in bankruptcy." In re Fietz,  
9 852 F.2d 455, 457 (9<sup>th</sup> Cir. 1988), quoting Pacor v. Higgins, 743 F.2d 984 (3d Cir. 1984)  
10 (overruled on other grounds by Things Remembered, Inc. v. Petracca, 516 U.S. 124  
11 (1995)).

12           8. The Bankruptcy Case and the Lawsuit are related because the claim(s)  
13 encompassed by the Lawsuit have a clear and direct impact on the bankruptcy estate  
14 and will therefore have an effect on the administration of the estate.

15           9. Because the Lawsuit and the Bankruptcy Case are related, pursuant to 28  
16 U.S.C. § 1334(b), the United States District Court for the Eastern District of California (the  
17 "District Court") has jurisdiction over each and every cause of action asserted in the  
18 Lawsuit.

19           10. Further, under 28 U.S.C. § 157 and the general reference of the District  
20 Court with respect to bankruptcy matters, the Bankruptcy Court has jurisdiction of the  
21 Lawsuit pursuant to 28 U.S.C. § 1334(b).

22           11. The Lawsuit is not a proceeding before the United States Tax Court or a civil  
23 action by a governmental unit to enforce such governmental unit's police or regulatory  
24 power.

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12. Bankruptcy Rule 9027 mandates this Notice be filed with the Bankruptcy Court because it is the Court where the related matter (the Bankruptcy Case) is pending.

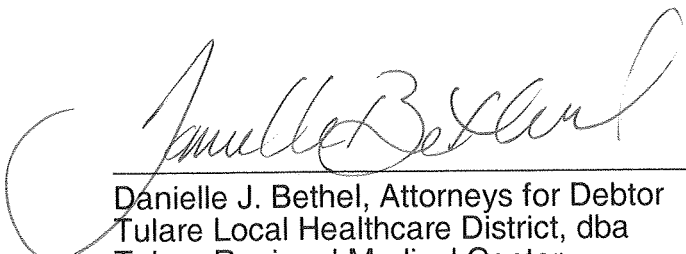
13. Upon removal, the action encompassed by the Lawsuit is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and TRMC consents to entry of final orders or judgment by the Bankruptcy Judge.

14. Attached as Exhibit "A" to this Notice are copies of all process, pleadings (as narrowly defined by F.R.C.P. Rule 7(a)) and minute entries and orders filed prior to removal in possession of TRMC as of the date of the filing of this Notice of Removal.

15. Promptly after the filing hereof, TRMC's counsel shall file a Notice of Removal with the Clerk of the Superior Court of the State of California, County of Tulare.

Dated: April 25, 2018

WALTER WILHELM LAW GROUP,  
a Professional Corporation



Danielle J. Bethel, Attorneys for Debtor  
Tulare Local Healthcare District, dba  
Tulare Regional Medical Center